

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:13-CR-104-RCJ-(VPC)
)
BRIAN R. FLAVEN,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on September 14, 2015, defendant BRIAN R. FLAVEN pled guilty to Count Three of a Three-Count Superseding Indictment charging him with Possession of a Firearm During and in Relation to a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A). Superseding Indictment, ECF No. 28; Change of Plea, ECF No. 110; Plea Agreement, ECF No. 111.

This Court finds defendant BRIAN R. FLAVEN agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Indictment. Superseding Indictment, ECF No. 28; Change of Plea, ECF No. 110; Plea Agreement, ECF No. 111.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Indictment and the offense to which defendant BRIAN R. FLAVEN pled guilty.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) with Title 28, United States Code, Section 2461(c):

- 3 1. a Kimber .45 caliber pistol, bearing serial number K165483;
- 4 2. an SKS 7.62 caliber rifle, bearing serial number 596605997;
- 5 3. an SKS 7.62 caliber rifle, bearing serial number N-561858; and
- 6 4. any and all ammunition

7 (all of which constitutes “property”).

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
13 BRIAN R. FLAVEN in the aforementioned property is forfeited and is vested in the United States of
14 America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
16 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
17 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
18 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
19 name and contact information for the government attorney to be served with the petition, pursuant to
20 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
22 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
23 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the
24 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
25 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s

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1 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
2 petition and the relief sought.

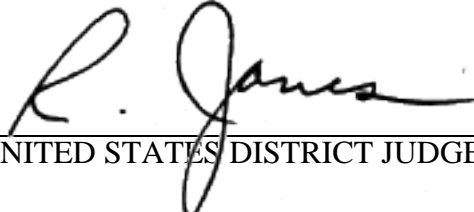
3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
4 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
5 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
6 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
7 official internet government forfeiture site, www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
9 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
10 following address at the time of filing:

11 Greg Addington
12 Assistant United States Attorney
13 100 West Liberty Street, Suite 600
Reno, NV 89501

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
15 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
16 following publication of notice of seizure and intent to administratively forfeit the above-described
17 property.

18 DATED: This 9th day of November, 2015.

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UNITED STATES DISTRICT JUDGE
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